

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 1437 OF 1995

Date: 28.02.2006

Between:

A.K.Bose, S/o Charu Chandra Bose, aged: 52 years, Senior Manager, National Mineral Development Corporation Ltd., Hyderabad.

... Petitioner

and

1. National Mineral Development Corporation Ltd., rep.,by its Chairman-cum-Managing Director, f10-3-311/A, Castle Hills, Masab Tank, Hyderabad and two others.

... Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 1437 OF 1995

ORDER:

Seeking a direction to respondents 1 and 2 to promote him to the post of Chief Engineer with effect from 31.07.1985 in the 1st respondent corporation with all consequential monetary and other benefits, that his name be placed above that of the 3rd respondent in the seniority list of Chief Engineers and to grant him the pay scale with effect from 25.06.1990 the date on which the 3rd respondent was promoted as Chief Engineer, the present writ petition is filed.

2. It is unnecessary to take note of the facts since it is not in dispute that the post of Chief Engineer is a selection post and promotions are made thereto on the basis of merit and for promotion to selection posts, seniority alone is not the criteria. The

petitioner aged 52 years in 1995 when the writ petition was filed must surely have crossed the age of superannuation a couple of years ago and must have retired from service. As such the question of now directing the respondents to consider his case for promotion to the post of Chief Engineer does not arise.

3. Even according to the averments in the affidavit filed in support of the writ petition, while the petitioner was promoted as Chief Engineer on 30.06.1993, he chose to wait till he was promoted as Chief Engineer in June 1993 and two years thereafter to file the present writ petition in 1995 contending that he should be promoted as a Chief Engineer retrospectively a decade earlier from 31.07.1985. The relief sought for is belated and is rejected on the ground of laches. The writ petition is wholly misconceived and is accordingly dismissed. No costs.

RAMESH RANGANATHAN, J

Date: 28.02.2006.

MRKR